

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

PACE-O-MATIC, INC.,	:	
	:	
Plaintiff,	:	
v.	:	Docket No. 1:20-cv-00292
	:	
ECKERT SEAMANS CHERIN & MELLOTT, LLC, MARK S. STEWART, KEVIN M. SKJOLDAL,	:	(Judge Jennifer P. Wilson)
	:	
Defendants.	:	
	:	

**JOINT MOTION FOR STAY PENDING RESOLUTION OF  
PENDING MOTIONS FOR RECONSIDERATION/CERTIFICATION**

Defendants, Eckert Seamans Cherin & Mellott, LLC, Mark S. Stewart and Kevin M. Skjoldal (“Eckert”), and Third-Parties, Greenwood Gaming & Entertainment, Inc. d/b/a Parx Casino (“Parx”), and Hawke McKeon & Sniscak LLP (“HMS”) (together, “Movants”) hereby move for a stay pending resolution of the motions for reconsideration/certification filed by Eckert, Parx and HMS from this Court’s July 5, 2022 Order and Memorandum, which required the production of certain attorney-client privileged documents and communications, as well as attorney work product, in response to discovery requests of plaintiff, Pace-O-Matic, Inc. (“POM”), by July 27, 2022. In support of this Joint Motion, Movants allege as follows:

1. Each of the Movants has filed a motion for reconsideration/certification from the Court's July 5, 2022 Order and Memorandum that directed the Movants to produce documents identified in Paragraph 2 of the Court's Order.

2. The July 5, 2022 Order and Memorandum directed production of all identified documents on or before July 27, 2022.

3. In directing production, the Court determined that judicial estoppel applies which results in a waiver of attorney-client privilege with respect to the documents identified for production at Paragraph 2 of the Court's Order.

4. Movants have sought reconsideration, which if granted, would potentially moot the production of the documents identified in Paragraph 2 of the Court's Order.

5. Alternatively, certification of the Court's July 5, 2022 Order could result in an interlocutory appeal of the Court's Order to the United States Court of Appeals for the Third Circuit, which also would necessitate a potential stay of the production of the documents identified in Paragraph 2 of the Court's Order.

6. Absent a stay pending disposition of the motions filed by Movants, the documents will need to be produced, and the attorney-client privilege as to these documents would be forever lost.

7. A stay of the Court's July 5, 2022 Order is reasonably tailored to the relief sought in the motions.

WHEREFORE, Defendants, Eckert Seamans Cherin & Mellott, LLC, Mark S. Stewart and Kevin M. Skjoldal, and Third-Parties, Greenwood Gaming & Entertainment, Inc. d/b/a Parx Casino, and Hawke McKeon & Sniscak LLP, respectfully request that the court grant a stay of the Court's July 5, 2022 Order pending disposition of the motions for reconsideration/certification.

Respectfully submitted,



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*Counsel for Hawke McKeon & Sniscak LLP*

Dated: July 20, 2022

**IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

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PACE-O-MATIC, INC.,

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ECKERT SEAMANS CHERIN &  
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Defendants.

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Docket No. 1:20-cv-00292

(Judge Jennifer P. Wilson)

**CERTIFICATE OF NON-CONCURRENCE**

I, Robert S. Tintner, Esquire, hereby certify that counsel for plaintiff does not concur with the relief sought in this motion.



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ROBERT S. TINTNER, ESQUIRE

Dated: July 20, 2022

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ECKERT SEAMANS CHERIN &	:	
MELLOTT, LLC, MARK S. STEWART,	:	(Judge Jennifer P. Wilson)
and KEVIN M. SKJOLDAL,	:	
	:	
Defendants.	:	
	:	

**CERTIFICATE OF SERVICE**

I hereby certify that, on July 20, 2022, I electronically filed the foregoing Joint Motion with the Clerk of the Court for the United States Court District Court for the Middle District of Pennsylvania by using the ECF system. Pursuant to LR 5.7, participants in the case who are registered ECF users will be served by the ECF system.



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ROBERT S. TINTNER, ESQUIRE

Dated: July 20, 2022